

# HOUSE . . . . . No. 2193

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By Mr. Smola of Palmer, petition of Todd M. Smola and Reed V. Hillman relative to abandoned vehicles and aircraft. Transportation.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Five.

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AN ACT RELATIVE TO ABANDONED VEHICLES AND AIRCRAFT.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1                                   **Chapter 90: Section 2213.**  
2                                   **Abandonment of motor vehicles; penalties.**

3       Section 2213. (a) A motor vehicle owner who abandons a  
4 motor vehicle registered or unregistered, upon any public or pri-  
5 vate way or upon any property other than his own without the per-  
6 mission of the owner or lessee of said property shall be subject to  
7 the provision and penalties as described in sections (b) to (j).  
8       (b) Notwithstanding the provisions of any other general or  
9 special law to the contrary, proceedings under the provisions of  
10 subsections (a) to (j), inclusive, shall be deemed non-criminal. As  
11 used in subsections (a) to (j), inclusive, the word “motor vehicle  
12 owner” shall mean the person or entity registered as the owner, of  
13 a motor vehicle in the records of the registry of motor vehicles or  
14 the person or entity who last had custody or possession of a motor  
15 vehicle, legally or otherwise, including, without limitation, opera-  
16 tors and owners of automobile graveyards or junkyards as defined  
17 in section one of chapter one hundred and forty B; provided, how-  
18 ever, that the owner of a motor vehicle which has been stolen  
19 from said owner and subsequently abandoned shall not be subject  
20 to the penalties provided for in this section. The city or town  
21 parking clerk as designated or appointed as provided in section  
22 twenty A or twenty A, in addition to other duties provided by law,  
23 shall supervise and coordinate the processing of abandoned motor  
24 vehicles. Said parking clerk shall have the authority to hire per-

25 sonnel, or may contract by competitive bid for services necessary  
26 to implement the provisions of this section.

27 (c) A motor vehicle owner who abandons a motor vehicle, reg-  
28 istered or unregistered, upon any public or private way, or upon  
29 the property of another, without the permission of the owner or  
30 lessee of said property, shall pay a civil penalty of two hundred  
31 and fifty dollars for the first such abandonment and five hundred  
32 dollars for each such abandonment thereafter and, in addition  
33 thereto shall be liable for costs incurred by a city or town in  
34 removing or disposing of such motor vehicle, including, but not  
35 limited to, towing, storage, processing and disposal charges.

36 (d) A police officer, or a person assigned responsibility for  
37 abandoned motor vehicles by the parking clerk, who determines  
38 that a motor vehicle has been abandoned shall attach a tag to said  
39 vehicle containing, but not limited to, the following information:  
40 the current date, the location of said vehicle, its make, color, reg-  
41 istration number, if any, and its vehicle identification number; a  
42 telephone number or address at which the motor vehicle owner  
43 may obtain information regarding the status of the motor vehicle;  
44 the hearing procedure regarding abandoned motor vehicles, as  
45 provided herein; and, a statement that after a specified period of  
46 time, the vehicle may be towed and disposed of.

47 (e) After said tag has been affixed to such vehicle, if the own-  
48 er's identity is ascertained and the motor vehicle is still deemed to  
49 be abandoned pursuant to section twenty-two C, the parking clerk  
50 or his designee shall send a written notice in a form approved by  
51 the registrar of motor vehicles by first class mail to the motor  
52 vehicle owner's last known address as contained in records of said  
53 registrar of motor vehicles. Such notice shall be deemed suffi-  
54 cient, whether or not actually received by the addressee, if mailed  
55 to the address furnished by said registrar. Such notice shall con-  
56 tain, but not be limited to, the following information regarding the  
57 abandoned vehicle: the current date, the location of said vehicle,  
58 make, color, registration number, if any, and its vehicle identifica-  
59 tion number; the amount of the fine and costs assessed for the  
60 offense and the scheduled date, time and place of the hearing  
61 before a hearing officer. Notwithstanding the hearing scheduled  
62 by the parking clerk, the motor vehicle owner shall be granted a  
63 hearing prior to the scheduled hearing date by appearing at the

64 office of the parking clerk during its regular business hours and  
65 requesting an immediate hearing regarding the apparently aban-  
66 doned motor vehicle. Notwithstanding the hearing scheduled by  
67 the parking clerk, the motor vehicle owner may elect to have the  
68 matter adjudicated in accordance with the provisions of subsection  
69 (g).

70 (f) All such hearings shall be held before a person hereinafter  
71 referred to as a hearing officer who shall be the parking clerk or a  
72 designee of said parking clerk. Such hearings shall be informal,  
73 the rules of evidence shall not apply and decisions of the hearing  
74 officer shall be subject to judicial review as provided by section  
75 fourteen of chapter thirty A. No appeal or exception shall operate  
76 to stay the imposition of the fine and costs, the revocation or non-  
77 renewal of the license or the prohibition of registration as pro-  
78 vided for herein.

79 (g) A motor vehicle owner so notified to appear before the  
80 hearing officer may appear and contest or confess the alleged vio-  
81 lation, either personally or through an agent duly authorized in  
82 writing or in the alternative, may confess the alleged violation by  
83 mailing to the parking clerk the notice accompanied by the fine  
84 and any costs assessed; provided, however, that such payment  
85 shall be made only by postal note, money order or registered  
86 check made payable to the city or town in which the violation  
87 occurred.

88 (h) If the motor vehicle owner fails to appear at the hearing, or  
89 fails to pay the fine and costs, the parking clerk shall, in the case  
90 of a person, notify the registrar of motor vehicles who shall place  
91 the matter on record and not renew the license of such person to  
92 operate a motor vehicle, and in the case of an entity, notify the  
93 appropriate person to revoke or not renew the owner's license or  
94 permit to operate a business pertaining to the towing, storing, ser-  
95 vicing or dismantling of motor vehicles including, without limita-  
96 tion, automobile graveyards and junkyards. If the abandoned  
97 motor vehicle is registered in such motor vehicle owner's name or  
98 was last registered in his name, the registrar shall prohibit the reg-  
99 istration and renewal of registration of any such motor vehicle  
100 under such motor vehicle owner's name. Such notice shall be in a  
101 form approved by the registrar of motor vehicles. Upon notifica-  
102 tion to the registrar of the motor vehicle owner's name, an addi-

103 tional ten-dollar charge shall be assessed against such motor  
104 vehicle owner of the abandoned vehicle. Said ten-dollar charge  
105 shall be collected by the city or town and notification of such col-  
106 lection shall be made to the registrar of motor vehicles each  
107 month. On or before September first of each year, the registrar  
108 shall certify the total number of ten-dollar charges to be assessed  
109 against the city or town. This number shall equal the total number  
110 of notifications of actual collections by said city or town. The reg-  
111 istrar shall transmit such certified assessments to the treasurer of  
112 the commonwealth who shall include such assessments in the war-  
113 rants prepared in accordance with section twenty of chapter fifty-  
114 nine. All such actions taken by the registrar shall remain in effect  
115 until said registrar receives notice from the parking clerk that the  
116 matter has been disposed of in accordance with the law.

117 (i) Notwithstanding any other general or special law, ordinance  
118 or regulation to the contrary, if a motor vehicle owner has aban-  
119 doned a motor vehicle on three occasions and has incurred a fine  
120 therefor, each subsequent abandonment, in addition to the fines  
121 and costs assessed herein, shall result, in the case of a person, in  
122 the revocation for one year of the motor vehicle owner's license to  
123 operate a motor vehicle, and in the case of an entity, in the revoca-  
124 tion for one year of the motor vehicle owner's license or permit to  
125 operate a business pertaining to the towing, storing, servicing or  
126 dismantling of motor vehicles including, without limitation, auto-  
127 mobile graveyards and junkyards. Such one year time period shall  
128 commence on the date on which the parking clerk's records indi-  
129 cate that a hearing was held and a fourth or subsequent abandon-  
130 ment was found or that a fine was received in the mail confessing  
131 a fourth or subsequent abandonment.

132 (j) Notwithstanding any other provisions of this section, when-  
133 ever the clerk or a person designated or appointed by said clerk,  
134 shall deem that an abandoned motor vehicle is worth less than the  
135 cost of its removal, transportation and three days storage and  
136 expenses incidental to its disposal, said clerk or designee shall  
137 direct a carrier to take possession of such motor vehicle and dis-  
138 pose of it as refuse. A record of such disposal shall be made and  
139 kept in the office of said clerk for a period of two years. Neither  
140 said clerk, carrier nor the city or town shall be liable for such dis-  
141 posal. The motor vehicle owner of such vehicle shall be notified

142 as hereinbefore provided and shall pay to said carrier all charges  
143 for removal, transportation, storage and disposal of such vehicle  
144 within fourteen days after the mailing of said notice or shall be  
145 subject to the fine herein provided as well as non-renewal of such  
146 motor vehicle owner's license to operate and registration of a  
147 motor vehicle.

148

**Chapter 90: Section 2213.**

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